

State of Rhode Island and Providence Plantations
Rhode Island Division of Motor Vehicles
Rhode Island Dealer's License and Regulations Office
100 Main Street, Pawtucket, RI 02860
Tel. # 462-5733,5734 / Fax # 462-5718

October 23 2009

TO: Gary Sasse, Director

DEPT: Department of Administration

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday , October 22, 2009. Board members: Walter Craddock, Esq., Dennis Gerstmeyer and James Botvin. Also be advised the following people were present during the hearing: Steven Raffa Esq., Division of Legal Services

Absent:Thomas Celona

Sgt.David Doucet of the Rhode Island State Police

Michael Vispo

Richard Interrante

MEETING OF OCTOBER 22, 2009 AT 9:00 AM

**DIVISION OF MOTOR VEHICLES – 100 MAIN STREET, PAWTUCKET,
RI 02860**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE OCTOBER
08, 2009 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

**2. ELMWOOD DODGE, INC. (Jay L'Archevesque, Pres)
FRANCHISE ADDITIONS – CASE # KR-090-246
TO SELL NEW CHRYSLER AND JEEP MOTOR VEHICLES AT:
625 TAUNTON AVENUE, EAST PROVIDENCE, RI 02914**

Decision: The Board has approved the franchise addition subject to a \$50,000 line of credit and a dealer franchise agreement being received by the Dealers License and Regulations Office. All dealerships within required area have been notified and no letters of protest have been received. This application must be finalized within 30 days.

Hearing Results

**3. BAILEY'S MOTOR SALES, INC. (Maureen Bailey, Pres.)
FRANCHISE ADDITION- CASE # KR-090-226
TO SELL NEW JEEP MOTOR VEHICLES AT
425 TEN ROD RD. NORTH KINGSTOWN, RI 02852**

Decision: The Board has approved this application for the franchise addition. All requirements have been met. Dealerships within required area have been notified and no letters of protest have been received. This application must be finalized within 30 days.

**4. MARK MOREHEAD V. BOBBY D'S CYCLE SERVICE (Robert D'Ambra, Pres.)
SURETY BOND ACTION – CASE # DS-090-186**

Decision: The Board has dismissed this case without prejudice. The consumer was unable to appear because of an injury.

5. JONATHAN W. THOMAS V. GLENN MAURICE'S AUTO CENTER SALES

(Kimberly Issler, Pres.)

SURETY BOND ACTION – CASE # DS-090-163

Decision: The Board has granted Jonathan W. Thomas permission to file a claim against the 2008 Surety Bond of Glen Maurice's Auto Center Sales, number S-238126-N issued by NGM Insurance, for the amount of \$1,750.00.

6. NICOLE ALLARD V. JIMMY'S AUTO SALES (James A. Pinheiro, Owner)

COMPLAINT / SHOW CAUSE HEARING- CASE # DS-090-178

Decision: The Board has determined that Jimmy's Auto Sales is not required to reimburse the consumer for the outstanding payments due on the vehicle in question because the vehicle's warranty was no longer in effect. The mileage exceeded the limit of 12,000 miles/12months which ever comes first allowed by the warranty prior to the filing date of the complaint.

The Board has also determined that Jimmy's Auto Sales is in violation of the

following RI General laws and is required to pay the amounts listed

below which total \$100.00 to the Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$100.00: Violation of RI General Law 31-5-11(11): For having violated any law relating to the sale, distribution or financing of motor vehicles.

The Board has also ordered Jimmy's Auto Sales to deliver copies of all bills of sales for the year 2008. These must be delivered to the Dealers License and Regulations Office, 100 Main Street, Pawtucket, RI 02860, within 10 days.

Hearing Results

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7. FOR DISCUSSION ONLY:

DISCUSSION ON RULES AND REGULATIONS DEFINITIONS.

This hearing has been postponed until a time when all five members of the board will be present.

Walter R. Craddock, Esq.Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

Steven Raffa, Esq., Division of Legal Services, DOA

Richard Interrante

File